IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

WPMB No. 1216 of 2001
(Old No. 31718 of 1996)

Children Academy School & anr. …… Petitioners

Versus

M.D.D.A. & others ……. Respondents

Hon. P.C.Verma, A.C.J.
Hon. Rajesh Tandon, J.

Heard Mr. A. Rab, learned counsel for the petitioners and Mr. S. Dhulia, learned Advocate for MDDA.

This writ petition has been filed by the petitioners seeking a writ of mandamus to command the respondent No. 1 Mussoorie Dehradun Development Authority not to permit any construction in the freezed zone of the Bala Hissar Mussoorie Hills as per the Government Order dated 21.05.1996 and 13.06.1996.

This court vide order dated 29.10.2003 provided that the Mussoorie Dehradun Development Authority will file an affidavit indicating the steps which they propose to take to implement of Government Orders dated 21.05.1996 and 13.06.1996.

Mr. S. Dhulia, learned counsel for the MDDA submitted that the steps have already been taken and the proceedings are pending before the Sub-Divisional Magistrate concerned for demolition of unauthorized construction, which has been raised in violation of the Government Order dated 21.05.1996 and 13.06.1996. An affidavit has been filed by MDDA today. It is stated in para 4 of the affidavit that three residential buildings have been converted into a commercial one, which is known as Shangrila Inn Hotel. Accordingly, such act and violation of building by-laws for demolition of which notice under section 27(1) of the Uttaranchal Urban Planning & Development Act, 1993 has been issued to all the concerned and the proceedings are gone on.

In view of this statement made in the affidavit, since the MDDA has taken appropriate steps to restrain unauthorised construction and also to demolish the construction unauthorisedly made, the purpose of filing this PIL is achieved.

Therefore we are not inclined to keep the petition pending. Petition is disposed of accordingly as no further order is required.

(Rajesh Tandon, J.) **(P.C.Verma, A.C.J.)**

Dt. 17.02.2004.
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